

of a miscalculation, are able to pay the interest that accrues on the military service deposit on behalf of the veteran, which, over time, ends up being the bulk of cost.

Our veterans risked their lives to protect our country, and they deserve the best when they return home.

It is unfortunate to me that our Federal Government cannot follow through with this commitment for even its own veteran employees. It is even more worrisome that these Federal agencies are putting off their responsibility, instead making their own employees—veteran employees—take the huge financial hit.

With this legislation, we can support our veterans working in the Federal Government.

Mr. GOMEZ. Mr. Speaker, I yield back the balance of my time.

Mr. RUSSELL. Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 4431, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 5, United States Code, to provide for interest payments by agencies in the case of administrative error in processing certain annuity deposits for prior military service or certain volunteer service, and for other purposes."

A motion to reconsider was laid on the table.

BORDER PATROL AGENT PAY REFORM AMENDMENTS ACT OF 2018

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5896) to amend title 5, United States Code, to modify the authority for pay and work schedules of border patrol agents, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Patrol Agent Pay Reform Amendments Act of 2018".

SEC. 2. AMENDMENTS TO THE BORDER PATROL AGENT PAY REFORM ACT OF 2014.

(a) BORDER PATROL AGENT PAY.—Section 5550 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by inserting "agent" after "applicable border patrol";

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking "Not later than 30 days before the first day of each year beginning after the date of enactment of this section, a border patrol agent shall make an election whether the border patrol

agent shall, for that year, be assigned to" and inserting "Not later than December 1 of each year, a border patrol agent shall make an election whether the border patrol agent shall, for the next annual period beginning on the first day of the first pay period that commences on or after January 1, be assigned to";

(B) in subparagraph (C), by striking "Not later than 60 days before the first day of each year beginning after the date of enactment of this section" and inserting in its place "Not later than November 1 of each year";

(C) in subparagraph (D)—

(i) by amending clause (iv) to read as follows:

"(iv) a border patrol agent shall be assigned a basic border patrol rate of pay during the period of initial training (including initial orientation sessions, basic training, and other preparatory activities) prior to the agent's first regular work assignment; and";

(ii) in clause (v), by striking "or the level 2 border patrol rate of pay";

(D) in subparagraph (E)—

(i) in clause (i), by striking "or the level 2 border patrol rate of pay";

(ii) in clause (ii), by striking "the analysis conducted under section 2(e) of the Border Patrol Agent Pay Reform Act of 2014" and inserting in its place "a written staffing analysis"; and

(iii) by adding at the end the following:

"(iv) EXCLUSION OF CERTAIN EMPLOYEES.—In applying any percentage limit under clause (i) or (ii) to a location population, U.S. Customs and Border Protection shall exclude from such population any border patrol agent who is assigned a basic border patrol rate of pay under subparagraph (D)(iii) or (D)(iv) or who would reach the premium pay cap under section 5547 if assigned a level 1 border patrol rate of pay.

"(v) APPLICATION FREQUENCY.—The 10 percent limit under clause (i) or an alternative percentage limit under a waiver under clause (ii) shall be applied at the beginning of the first pay period beginning on or after January 1 each year.";

(E) by striking subparagraph (G);

(3) in subsection (b)(2)—

(A) by amending subparagraph (C)(i) to read as follows:

"(i) any compensation under this section or any other provision of law in addition to the compensation provided under subparagraph (B); or";

(B) in subparagraph (E)—

(i) by striking "paid leave" and inserting "leave"; and

(ii) by striking "absent from work" and inserting "excused from work";

(C) in subparagraph (F)(ii), by striking "and";

(D) by amending subparagraph (G) to read as follows:

"(G) if the border patrol agent participates in a full day of advanced training but does not perform the entire required amount of scheduled overtime work under subparagraph (A)(ii) on that day, the border patrol agent shall be deemed to have performed scheduled overtime work during nonwork periods to the extent necessary to reach the required amount, but such deemed credit may be applied to no more than 180 hours in a calendar year; otherwise, the agent shall accrue a debt of hours for scheduled overtime not worked on such a day; and";

(E) by adding at the end the following:

"(H) a border patrol agent may choose to reduce any debt of obligated overtime hours that the agent has incurred by applying any accrued compensatory time off for travel pursuant to section 5550b, and such compensatory time off for travel may be applied towards such debt only after other forms of overtime or earned compensatory time cred-

ited to the border patrol agent have been exhausted.";

(4) in subsection (b)(3)—

(A) by amending subparagraph (C)(i) to read as follows:

"(i) any compensation under this section or any other provision of law in addition to the compensation provided under subparagraph (B); or";

(B) in subparagraph (E), by striking "paid leave" and inserting "leave";

(C) in subparagraph (F)(ii), by striking "and";

(D) by amending subparagraph (G) to read as follows:

"(G) if the border patrol agent participates in a full day of advanced training but does not perform the entire required amount of scheduled overtime work under subparagraph (A)(ii) on that day, the border patrol agent shall be deemed to have performed scheduled overtime work during nonwork periods to the extent necessary to reach the required amount, but such deemed credit may be applied to no more than 90 hours in a calendar year; otherwise, the agent shall accrue a debt of hours for scheduled overtime not worked on such a day; and";

(E) by adding at the end the following:

"(H) a border patrol agent may choose to reduce any debt of obligated overtime hours that the agent has incurred by applying any accrued compensatory time off for travel pursuant to section 5550b; such compensatory time off for travel may be applied towards such debt only after other forms of overtime or earned compensatory time credited to the border patrol agent have been exhausted.";

(5) by amending subsection (d) to read as follows:

"(d) TREATMENT AS BASIC PAY.—

"(1) IN GENERAL.—Any overtime supplement in addition to the basic border patrol rate of pay for a border patrol agent resulting from application of the level 1 border patrol rate of pay or the level 2 border patrol rate of pay shall be treated as part of basic pay only—

"(A) except as otherwise provided in paragraph (3), for purposes of the definitions in section 8331(3) and 8401(4) and the provisions in chapters 83 and 84 that rely on those definitions (consistent with section 8331(3)(I));

"(B) except as otherwise provided in paragraph (3), for purposes of sections 5595(c) and 8704(c);

"(C) for the purpose of section 8114(e); and

"(D) subject to paragraph (2) and any limitation established under paragraph (3), any other purpose that the Director of the Office of Personnel Management may by regulation prescribe.

"(2) EXCLUSIONS.—The overtime supplement described in paragraph (1) shall not be treated as part of basic pay for purposes not covered by that paragraph, including the purposes of calculating—

"(A) overtime pay, night pay, Sunday pay, or holiday pay under section 5542, 5545, or 5546;

"(B) locality-based comparability payments under section 5304 or special rate supplements under section 5305; or

"(C) cost-of-living allowances in nonforeign areas under section 5941.

"(3) LIMITATIONS.—

"(A) IN GENERAL.—During the control period described in subparagraph (B), the amount of the overtime supplement that is considered basic pay under paragraphs (1)(A) and (1)(B) may not exceed the amount derived by multiplying the border patrol agent's basic border patrol rate of pay by the percentage representing the agent's career average of assigned overtime supplement percentages (including 0 percent for periods

of time during which no overtime supplement was payable). That career average percentage is computed without regard to the effect of the limitation on premium pay under section 5547, but the premium pay limitation remains applicable in determining the dollar amount of any overtime supplement computed using the career average percentage.

“(B) CONTROL PERIOD.—For the purposes of applying subparagraph (A), the control period described in this subparagraph is the period that begins 3 years before the date a border patrol agent will meet age and service requirements associated with entitlement to an immediate annuity and continues throughout the remainder of the individual’s career as a border patrol agent.

“(C) ASSIGNED OVERTIME SUPPLEMENT PERCENTAGES.—For the purpose of applying subparagraph (A), a border patrol agent’s initial career average of assigned overtime supplement percentages is the average for the border patrol agent’s career (excluding any period of initial training prior to the agent’s first regular work assignment) prior to the beginning of the control period described in subparagraph (B). During such control period, the career average shall be recomputed at the end of each annual period (as described in subsection (b)(1)(A)). In computing such career average, any periods of service as a border patrol agent prior to the first day of the first pay period beginning on or after January 1, 2016, shall be included, and the agent’s assigned overtime supplement during such periods shall be deemed to be 25 percent.

“(4) ANNUAL LEAVE PAYMENT.—For the purpose of computing an agent’s lump-sum annual leave payment under section 5551 or 5552, the pay the agent is projected to receive shall include a deemed overtime supplement derived under this paragraph. Such overtime supplement shall be based on the lower of the agent’s actual overtime supplement percentage in effect at separation or the average percentage of the agent’s overtime supplement over the 26 full biweekly pay periods immediately preceding that separation, and shall not exceed the amount that is or would be payable under the premium pay limitation in section 5547.”;

(6) in subsection (f)—

(A) in the heading of such subsection, by striking “AND SUBSTITUTION OF HOURS” and inserting “DURING REGULAR TIME; ABSENCES DURING SCHEDULED OVERTIME”; and

(B) by adding at the end the following:

“(5) APPLICATION.—

“(A) LIMITATION ON SUBSTITUTION.—Notwithstanding paragraph (1), scheduled overtime (as described in paragraph (2)(A)(ii) or (3)(A)(ii) of subsection (b)) may not be substituted for leave without pay on a day when a border patrol agent has a full day of leave without pay.

“(B) LEAVE WITHOUT PAY.—As provided in paragraphs (2)(A)(ii) and (3)(A)(ii) of subsection (b), a border patrol agent shall incur no scheduled overtime obligation on a day when the agent has a full day of leave without pay.”; and

(7) by adding at the end the following:

“(h) ALTERNATIVE WORK SCHEDULES.—

“(1) IN GENERAL.—Notwithstanding any other provision in this section or section 6101, U.S. Customs and Border Protection may assign a border patrol agent an alternative work schedule as described in this subsection, subject to any regulations prescribed by the Director of the Office of Personnel Management. No alternative work schedule may be established under chapter II of chapter 61.

“(2) LEVEL 2 BORDER PATROL AGENT.—A border patrol agent receiving a level 2 border patrol rate of pay may, in lieu of the stand-

ard work schedule described in subsection (b)(3)(A), be assigned to an alternative work schedule under the following terms and conditions:

“(A) The alternative work schedule shall be a regular tour of duty consisting of 9 workdays per biweekly pay period, with—

“(i) 8 workdays including 9 hours of regular time per workday and 1 additional hour of scheduled overtime for each day the agent performs work during regular time; and

“(ii) 1 workday including 8 hours of regular time per workday and 2 additional hours of scheduled overtime when the agent performs work during such regular time.

“(B) Subparagraphs (B) through (H) of subsection (b)(3) shall continue to apply to an agent assigned to an alternative work schedule under this paragraph. References in this section to regular time under subsection (b)(3)(A)(i) and scheduled overtime under subsection (b)(3)(A)(ii) shall be deemed to be references to regular time and scheduled overtime described in subparagraph (A), respectively.

“(3) BASIC BORDER PATROL AGENT.—A border patrol agent receiving a basic border patrol rate of pay may, in lieu of the standard work schedule described in subsection (b)(4)(A), be assigned to an alternative work schedule that is a regular tour of duty consisting of 4 workdays per week with 10 hours of regular time per workday.

“(4) SUNDAY PAY; PREMIUM PAY.—A border patrol agent assigned to an alternative work schedule under this subsection, may receive, as applicable—

“(A) Sunday pay for no more than 8 hours of regular time associated with a given Sunday, consistent with section 5546(a);

“(B) premium pay for work on a holiday for no more than 8 hours of regular time associated with a given holiday, consistent with section 5546(b); and

“(C) basic pay for all regular time hours that qualify for holiday time off pay when an agent is relieved or prevented from working during such regular time on a day designated as a holiday by Federal statute or Executive order.

“(5) APPLICATION.—For purposes of administering sections 6303(a), 6304, 6307(a) and (d), 6323, 6326, 6327, and 8339(m), in the case of an employee assigned to an alternative work schedule under this subsection, references to a day or workday (or to multiples or parts thereof) contained in such sections shall be considered to be references to 8 hours (or to the respective multiples or parts thereof).

“(i) REGULATIONS.—The Director of the Office of Personnel Management shall promulgate regulations to carry out this section, including regulations governing—

“(1) elections and assignments of a border patrol rate of pay for newly hired border patrol agents who complete initial training during an annual period;

“(2) situations in which an agent receives more than one type of border patrol rate of pay in a biweekly pay period or is employed as a border patrol agent for only part of a biweekly pay period; and

“(3) the treatment of hours that are substituted for nonpay status hours during regular time.”.

(b) OVERTIME RATES.—Section 5542(g)(5) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “leave year” and inserting “an annual period, as described in section 5550(b)(1)(A)”;

(2) by amending subparagraph (E) to read as follows:

“(E) shall not receive credit towards computation of the border patrol agent’s annuity based on unused compensatory time off; and”.

(c) PREMIUM PAY CAP.—Section 5547(c) of title 5, United States Code, is amended by in-

serting after “duty,” the following: “or to border patrol agents who receive an overtime supplement for overtime hours within their regular tour of duty under section 5550.”.

(d) BASIC PAY FOR RETIREMENT.—Section 8331(3)(I) of title 5, United States Code, is amended by adding before the semicolon at the end the following: “, subject to the limitation prescribed in section 5550(d)(3)”.

(e) SCHEDULED OVERTIME WORK.—Section 2(c)(2) of the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113-277) is amended by inserting after “scheduled overtime work” the following: “(other than scheduled overtime work within the regular tour of duty)”.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the first day of the first pay period beginning on or after the day that is 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. RUSSELL) and the gentleman from California (Mr. GOMEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support of H.R. 5896, the Border Patrol Agent Pay Reform Amendments Act of 2018, introduced by my friend, the gentleman from Texas (Mr. HURD).

□ 1930

The U.S. Border Patrol is vital to the Nation’s security interests. Border Patrol agents secure the international land border and the coastal waters of the United States. They protect the American public from dangerous people and dangerous materials.

Previous human capital management systems at the agency resulted in uncertain hours and overtime pay abuses. In 2014, Congress passed the Border Patrol Agency Reform Act to create a new pay system. This new system was designed to help the Border Patrol meet its mission by increasing the number of hours worked by agents, providing more reliable schedules and paychecks for agents and saving taxpayers around \$100 million, annually.

Since enactment, several organizations have identified problems with the law’s implementation, including U.S. Customs and Border Protection, the Office of Personnel Management, and the National Border Patrol Council.

H.R. 5896 seeks to address some of these implementation changes. It gives the Border Patrol additional flexibility to meet its staffing needs at specific locations. It removes the disincentive for agents to receive advanced training by

allowing them to incur an overtime debt in lieu of a decrease in pay and by raising the amount of training an agent can receive before the debt accrues. H.R. 5896 allows agents to apply compensatory time off accrued for travel toward the overtime debt.

To prevent gaming the system, the bill retains limitations on overtime pay during an agent's control period, which is the period of highest pay, generally just prior to retirement. However, the bill switches from the current system, where the CBP controls the agent's schedule, to a method which lets the agent work any of these three pay levels, but with only a portion of their overtime pay computed into their retirement.

The bill allows agents to take leave without pay, often used for fulfilling National Guard and Reserve training requirements, without incurring an overtime debt that they must make up, as they do under the current system.

It allows Border Patrol agents at the level 2 and basic rates of pay to work compressed schedules, as they did prior to the 2014 pay system change. Agents will still work the required number of overtime hours ordered under the Border Patrol Agent Pay Reform Act.

Finally, the bill makes a series of final changes resulting from OPM and CBP experiences in implementing the law.

I would like to thank Representative HURD for his enormous work on this important legislation. In addition, I would like to thank the CBP, OPM, and the National Border Patrol Council for working with the committee to get the bill where it is today.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. GOMEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5896 would address issues that arose from implementation of the 2014 version of the bill by making technical and clarifying changes. The bill would require that newly hired workers receive the basic rate of pay until they complete initial training. It would also allow workers to elect to perform 90 or 100 hours per pay period and receive premium pay above their basic rate. This would help incentivize workers to move into these important positions.

The bill would also remove the requirement that the agency limit a worker's tour of duty to control retirement benefits. In exchange, it would limit the amount of overtime treated as retirement-credible basic pay during the period used to calculate annuities.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSSELL. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HURD), the sponsor of this bill.

Mr. HURD. Mr. Speaker, I appreciate the gentleman from Oklahoma yielding.

Since the birth of our Nation, brave, selfless, and patriotic individuals have

committed to putting their lives on the line to keep America safe, including along the border. No matter which side of the aisle you are on, there is no debating the fact that our selfless Border Patrol agents play a vital role in our national security. We, as lawmakers, owe a debt of gratitude to ensure our Border Patrol agents are treated fairly.

As a Member of Congress who represents a district with over 800 miles of the southern border, I am all too aware of the day-to-day dangers and obstacles our Border Patrol agents face. As a result of bureaucratic inefficiencies, many Border Patrol agents are not receiving the pay they have rightfully earned and, in some cases, are being forced to work dangerously long shifts to make up for the onerous and arcane regulations handed down to them from OPM. The purpose of the Border Patrol Agent Pay Reform Amendments Act of 2018 is to fix this broken system and allow our agents to receive the pay they have earned.

I want to thank my colleagues on the House Oversight and Government Reform Committee for recognizing the urgency of these problems and passing this bill with a voice vote in May.

Additionally, I appreciate the willingness of Customs and Border Protection, the Office of Personnel Management, and the Border Patrol Council to sit down and work out an agreement on these pressing issues.

I have to thank my colleagues MARTHA MCSALLY and FILEMON VELA for their support and work on this piece of legislation.

I strongly urge my colleagues to support this bipartisan bill.

Mr. GOMEZ. Mr. Speaker, I yield back the balance of my time.

Mr. RUSSELL. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HIGGINS of Louisiana). The question is on the motion offered by the gentleman from Oklahoma (Mr. RUSSELL) that the House suspend the rules and pass the bill, H.R. 5896, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING UNITED STATES POSTAL SERVICE TO ESTABLISH NEW ZIP CODES

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6846) to require the United States Postal Service to establish new ZIP codes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHING NEW ZIP CODES.

Not later than 270 days after the date of enactment of this Act, the Postal Service

shall designate a single, unique ZIP code for, as nearly as practicable, each of the following communities:

- (1) Miami Lakes, Florida.
- (2) Storey County, Nevada.
- (3) Flanders, Northampton, and Riverside in the Town of Southampton, New York.
- (4) Ocoee, Florida.
- (5) Glendale, New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. RUSSELL) and the gentleman from California (Mr. GOMEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 6846, introduced by the gentleman from Florida (Mr. DIAZ-BALART). The bill would require the United States Postal Service to establish new ZIP Codes in Miami Lakes, Florida; Ocoee, Florida; Storey County, Nevada; Glendale, New York; and Flanders, Northampton; and Riverside in the town of Southampton, New York.

H.R. 756, the Postal Service Reform Act of 2017, which the Committee on Oversight and Government Reform reported earlier this Congress, would also have established these new ZIP Codes.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART) to tell us more about the need for a new ZIP Code in his district.

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of this bill.

Mr. Speaker, for nearly a decade, the town of Miami Lakes has attempted to receive a unique ZIP Code. This would help with auto insurance rates, branding, economic development, and, frankly, lead to less election confusion and census confusion. Despite this, the Postal Service has yet to take action, unfortunately.

I will tell you this is an important priority for my constituents back home in Miami Lakes. In fact, just last week, Mr. Speaker, I received a call from a constituent asking about what was going on with this issue. He was asking for an update and was relaying his frustration because of his rising auto insurance rates. Thankfully, this legislation solves that problem. It grants Miami Lakes and others their own ZIP Codes.

I would like to give credit and thanks to Miami Lakes Mayor Manny Cid. It has been a privilege to work with him. He has shown great perseverance and dedication, and I am glad that, together, we are able to make this happen.

However, as everyone knows, the work is not finished. Last Congress,